

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**ROBERT R. KEY, aka
ROBERT ROSSUM KEY**

Registered Nurse License No. 573635

Respondent.

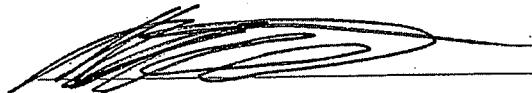
Case No. 2012-187
OAH No. 2011120088

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012.

IT IS SO ORDERED this July 3, 2012.



Erin Niemel
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSIOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-187

12 **ROBERT R. KEY**
13 **a.k.a. ROBERT ROSSUM KEY**
14 **19 Hornsilver Place**
The Woodlands, TX 77381-3195
15 **Registered Nurse License No. 573635**

OAH No. 2011120088

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
21 Board of Registered Nursing (Board). She brought this action solely in her official capacity when
22 she was the Executive Officer of the Board and is represented in this matter by Kamala D. Harris,
23 Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy Attorney
24 General.

25 2. Robert R. Key, also known as Robert Rossum Key (Respondent) is representing
26 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about November 3, 2000, the Board of Registered Nursing issued Registered
28 Nurse License No. 573635 to Robert Key (Respondent). The Registered Nurse License was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 2012-187 and
2 will expire on October 31, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-187 was filed before the Board and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on September 29, 2011. Respondent timely filed his Notice of Defense contesting
7 the Accusation. A copy of Accusation No. 2012-187 is attached as Exhibit A and incorporated by
8 reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2012-187. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2012-187, agrees that cause exists for discipline and surrenders his Registered Nurse License
25 No. 573635 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Registered Nurse License without further process.
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1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

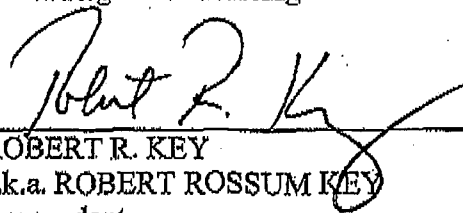
5. If and when Respondent's license is reinstated, he shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$2,480.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. Respondent shall not apply for licensure or petition for reinstatement for one (1) year from the effective date of the Board of Registered Nursing's Decision and Order.

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this

1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Registered Nursing.

3
4 DATED: May 20, 2012


ROBERT R. KEY
a.k.a. ROBERT ROSSUM KEY
Respondent

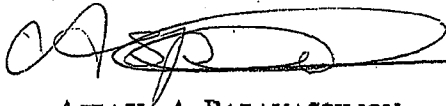
7 ENDORSEMENT

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

10 Dated: May 21, 2012

Respectfully submitted,

11 KAMALA D. HARRIS
12 Attorney General of California
13 DIANN SOKOLOFF
14 Supervising Deputy Attorney General


15 ASPASIA A. PAPA VASSILIOU
16 Deputy Attorney General
17 Attorneys for Complainant

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19 SF2011900371
20 Stipulation.rtf
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Exhibit A

Accusation No. 2012-187

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-187

13 **ROBERT R. KEY, a.k.a. ROBERT**
14 **ROSSUM KEY**
19 Hornsilver Place
The Woodlands, TX 77381
Registered Nurse License No. 573635

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about November 3, 2000, the Board of Registered Nursing issued Registered
23 Nurse License Number 573635 to Robert R. Key, also known as Robert Rossum Key
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought in this Accusation and will expire on October 31, 2012, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

8. Code section 4021 states:

“‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.”

9. Code section 4022 provides:

“‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in humans or animals, and includes the following:

“(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without prescription,’ ‘Rx only’ or words of similar import.

“(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

“(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.”

10. Morphine Sulfate is a Schedule II controlled substance as defined by Health and Safety Code section 11055, subdivision (b)(1)(L), and a dangerous drug under Code section 4022. It is also a Schedule II controlled substance as defined by Title 21 of the Code of Federal Regulations, section 1308.12, subdivision (b)(1)(ix). Morphine, which is a central nervous system depressant, is a systemic narcotic and analgesic used in the management of pain.

11. Propoxyphene is a narcotic related to Methadone and is is a Schedule IV controlled substance as defined by Health and Safety Code section 11057, subdivision (c)(2), and a dangerous drug under Code section 4022. It is recommended for relief of mild to moderate pain and it must be used with caution in conjunction with other central nervous system depressants, including alcohol.

12. Meperidine, also known by its trade name Demerol, is a Schedule II controlled substance as defined by Health and Safety Code section 11055, subdivision (c)(17), and is a dangerous drug under Code section 4022. Demerol can produce drug dependence of the Morphine type and therefore has the potential for being abused. Psychic dependence, physical dependence, and tolerance may develop upon repeated administration of Demerol.

1 13. Alprazolam Metabolite, also known by its trade name Xanax, is a Schedule IV
2 controlled substance as defined by Title 21 of the Code of Federal Regulations, section 1308.14,
3 subdivision (c)(1), and a dangerous drug under Code section 4022. Xanax is used for the
4 management of anxiety disorders or for the short-term relief of the symptoms of anxiety.
5 Addiction-prone individuals (such as drug addicts or alcoholics) should be under careful
6 surveillance when receiving alprazolam because of the predisposition of such patients to
7 habituation and dependence.

8 COST RECOVERY

9 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 FIRST CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

15 15. Respondent has subjected his registered nurse license to disciplinary action under
16 Code section 2761, subdivision (a)(4), in that on or about October 26, 2004, in a disciplinary
17 action before the Board of Nurse Examiners for the State of Texas (Texas Board), the Texas
18 Board entered an Eligibility Agreed Order (Order) conditionally granting Respondent a Texas
19 registered nurse license, subject to various terms and conditions. The Order required Respondent
20 to: (1) comply with all Texas laws and statutes; (2) not work outside the State of Texas pursuant
21 to a multistate licensure privilege without the written permission of the State of Texas and the
22 Board of Nursing in the party state where Respondent wishes to work; and (3) within one year of
23 licensure in the State of Texas, successfully complete a courses in Texas nursing jurisprudence
24 and a course in nursing ethics. Upon full compliance with the terms of the Order, Respondent
25 would be issued an unencumbered license and multistate licensure privileges, if any, to practice
26 professional nursing in the State of Texas.

1 16. The underlying conduct supporting the Texas Board's disciplinary order is that on or
2 about June 16, 2004, Respondent submitted a Temporary License/Endorsement Application as a
3 professional nurse in the State of Texas. In response to a direct question posed in the application,
4 Respondent disclosed that on or about November 16, 2000, in the Superior Court of California,
5 County of Los Angeles, he was charged with the following violations: (1) driving under the
6 influence of alcohol or drugs; (2) having a blood alcohol level higher than .08 percent while
7 driving a vehicle; and (3) being an unlicensed driver. Respondent was convicted by plea of nolo
8 contendere of count 2, having a blood alcohol level higher than .08 percent while driving a vehicle,
9 a misdemeanor. The other two charges were dismissed. Respondent failed to disclose in his
10 application that in 1999, he was arrested for "operating a vehicle while intoxicated" and
11 "interfering with a police officer," from the Baton Rouge Police Department, both misdemeanors.
12 Respondent also failed to disclose that on or about April 26, 2000, he entered a plea of guilty to
13 the charge of "driving while intoxicated" and was assessed a fine for the charge of "interfering
14 with a police officer."

15 SECOND CAUSE FOR DISCIPLINE
16 (Unprofessional Conduct – Out of State Discipline)
 (Bus. & Prof. Code § 2761, subd. (a)(4))

17 17. Complainant realleges the allegations contained in paragraphs 15 and 16 above, and
18 incorporates them by reference as if fully set forth.

19 18. Respondent has subjected his registered nurse license to disciplinary action under
20 Code section 2761, subdivision (a)(4), in that on or about February 7, 2007, in a disciplinary
21 action before the Texas Board, the Texas Board entered an Agreed Order requiring Respondent to
22 be accepted by the Texas Peer Assistance Program for Nurses (TPAPN) within 45 days of entry
23 of the Agreed Order, and to successfully complete the TPAPN. The Agreed Order further
24 provided that if Respondent failed to comply with the Agreed Order or the terms of the
25 participation agreement with the TPAPN, such noncompliance would result in further disciplinary
26 action by the Texas Board.

19. The Texas Board's disciplinary action was based upon its findings of fact that that on or about August 4, 2006, while employed by Greater Houston Anesthesiology, and on duty at St. Luke's Community Medical Center of the Woodlands in The Woodlands, Texas, Respondent engaged in the intemperate use of Morphine, Propoxyphene, Meperidine, and Alprazolam Metabolite. Respondent produced a specimen which resulted positive for Morphine, Propoxyphene, Meperidine, and Alprazolam Metabolite. The Texas Board found that possession of these substances is prohibited by Texas law, and the use of these substances by a registered nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 573635, issued to Robert R. Key, also known as Robert Rossum Key;
2. Ordering Robert R. Key, also known as Robert Rossum Key to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: September 29, 2011

Louise R. Bailey
 LOUISE R. BAILEY, M.E.D., RN
 Executive Officer
 Board of Registered Nursing
 Department of Consumer Affairs
 State of California
Complainant

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